



**IT IS ORDERED as set forth below:**

**Date: October 31, 2023**

A handwritten signature in black ink, reading "Paul W. Bonapfel".

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:	:	CASE NO. 19-41069-PWB
	:	
CHARLES PERNELL CLEARY,	:	CHAPTER 13
	:	
DEBTOR	:	JUDGE PAUL W. BONAPFEL

**ORDER ON DEBTOR'S MOTION FOR HARDSHIP DISCHARGE**

Before the Court is the Debtor's Motion for Hardship Discharge [Document #70] (the "Motion"), which was filed and scheduled for a hearing on notice to all interested parties. The matter was called, and the hearing was held on October 18, 2023, at 10:00 a.m. The Motion was called at the Court's calendar, and there was no opposition announced by the attorney for the Trustee, and no Creditors appeared in opposition, or filed any opposition. After considering the Motion, along with the pleadings and documents filed on the docket, the Court concludes as follows:

The debtor's confirmed plan calls for a 36 month applicable commitment period (ACP) and, to date, the debtor has paid approximately \$ 54,600.00 into his Chapter 13 plan over the 53 months since filing.

The only remaining claims in the case are unsecured, and the amount paid to the creditors viewed in conjunction with the amount of time relative to his ACP, is not insignificant.

Since the case was filed, the debtor has had significant medical problems causing a significant loss the income.

Due to circumstances beyond his control, no practical alternatives exist in terms of modification to the Chapter 13 plan or completion of the contemplated payments.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Motion is GRANTED.

Order Prepared by:

/s/ MICHAEL D. HURTT  
MICHAEL D. HURTT  
ATTORNEY FOR DEBTOR  
STATE BAR NO. 380112  
215 W. Gordon Street  
P.O. Box 1304  
Dalton, GA 30722-1304  
(706) 226-5425  
mike@hurttlaw.com

Reviewed by:

/s/ BRANDI L. KIRKLAND  
ATTORNEY FOR CHAPTER 13 TRUSTEE  
STATE BAR NO. 423627  
285 Peachtree Center Avenue, NE - Suite 1600  
Atlanta, GA 30303  
(404) 525-1110

DISTRIBUTION LIST:

Michael D. Hurtt  
Hurtt & Johnson, LLC  
215 W. Gordon Street  
P.O. Box 1304  
Dalton, GA 30722-1304

Chapter 13 Trustee  
285 Peachtree Center Avenue, NE  
Suite 1600  
Atlanta, GA 30303

Charles Pernell Cleary  
539 Carbondale Rd.  
Dalton, GA 30721

Creditors on attached Address Matrix

Label Matrix for local noticing  
113E-4  
Case 19-41069-pwb  
Northern District of Georgia  
Rome  
Tue Oct 31 10:51:09 EDT 2023

Alfredge Pate, Haan, LLP  
PO Box 52815  
Atlanta, GA 30355-0815

American Express  
PO Box 1270  
Newark, NJ 07101-1270

American Express National Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

Atlantic Capital  
3525 Piedmont Rd NE # 7  
Atlanta, GA 30305-7031

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
4515 N Santa Fe Ave  
Oklahoma City OK 73118-7901

Capital One Bank USA N.A  
Attn: Bankruptcy Dept.  
PO Box 30285  
Salt Lake City, UT 84130-0285

Thomas C Causby  
Morris & Dean, LLC  
101 E. Crawford Street, #300  
Dalton, GA 30720-3208

(p)JPMORGAN CHASE BANK N A  
BANKRUPTCY MAIL INTAKE TEAM  
700 KANSAS LANE FLOOR 01  
MONROE LA 71203-4774

Citibank, N.A.  
Attn: Bankruptcy Dept.  
PO Box 6000  
Sioux Falls, SD 57117-6000

Charles Pernell Cleary  
539 Carbondale Rd SW  
Dalton, GA 30721-5310

Robert J. Fehse  
Evans Petree  
Suite 800  
1715 Aaron Brenner Drive  
Memphis, TN 38120-1445

FirstBank  
Attn: Trish Brasher  
PO Box 388  
Lexington, TN 38351-0388

Gateway Lending  
160 N Riverview Dr Ste 100  
Anaheim, CA 92808-2293

Gateway One Lending & Finance, LLC  
175 N Riverview Drive  
Anaheim, CA 92808-1225

(p)GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

Albert Clark Guthrie  
K. Edward Safir, Standing Chapter 13 Tru  
Suite 1600  
285 Peachtree Center Ave, NE  
Atlanta, GA 30303-1229

Michael D. Hurtt  
Hurtt & Johnson, LLC  
P O Box 1304  
Dalton, GA 30722-1304

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

JPMorgan Chase Bank, N.A.  
s/b/m/t Chase Bank USA, N.A.  
c/o Robertson, Anschutz & Schneid, P.L.  
6409 Congress Avenue, Suite 100  
Boca Raton, FL 33487-2853

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Lakeview Loan Servicing  
PO Box 8068  
Virginia Beach, VA 23450-8068

Lakeview Loan Servicing, LLC  
c/o LoanCare, LLC  
3637 Sentara Way  
Virginia Beach VA 23452-4262

MRS BPO, LLC  
1930 Olney Ave  
Cherry Hill, NJ 08003-2016

Jeffrey W. Maddux  
Chambliss, Bahner & Stophel, P.C.  
Liberty Tower - Suite 1700  
605 Chestnut Street  
Chattanooga, TN 37450-0003

David G Mangum  
David G. Mangum, Attorney at Law  
2303 8th Avenue South  
Nashville, TN 37204-2252

Parnell & Parnell Attorneys at Law  
PO Box 2189  
Montgomery, AL 36102-2189

Pay Pal Credit  
Attn: Bankruptcy Dept.  
PO Box 5138  
Timonium, MD 21094-5138

Justin Plean  
Quintairos, Prieto, Wood, & Boyer, P.A.  
1475 Centrepark Blvd, Suite 130  
West Palm Beach, FL 33401-7424

K. Edward Safir  
Standing Chapter 13 Trustee  
Suite 1600  
285 Peachtree Center Ave. NE  
Atlanta, GA 30303-1229

Santander Consumer USA, Inc.,  
 successor in interest to  
 Gateway One Lending & Finance, LLC  
 (Gateway)  
 P.O. Box 961245  
 Fort Worth, TX 76161-0244

Cory Patrick Sims  
 Albertelli & Whitworth, P.A.  
 Suite 960  
 100 Galleria Parkway  
 Atlanta, GA 30339-5947

TD Auto Finance  
 PO Box 16035  
 Lewiston, ME 04243-9517

TD Auto Finance, LLC  
 1715 Aaron Brenner Drive, Suite 800  
 Memphis, TN 38120-1445

TD Auto Finance, LLC  
 C/o Robert J. Fehse, Esq.  
 1715 Aaron Brenner Drive, Suite 800  
 Memphis, TN 38120-1445

Shannon Leigh Troutman  
 Albertelli Law  
 5404 Cypress Center Drive  
 Suite 300  
 Tampa, FL 33609-1023

United States Attorney  
 Northern District of Georgia  
 75 Ted Turner Drive SW, Suite 600  
 Atlanta GA 30303-3309

Verizon  
 by American InfoSource as agent  
 4515 N Santa Fe Ave  
 Oklahoma City OK 73118-7901

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
 by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Chase Card Services  
 PO Box 15548  
 Wilmington, DE 19886-5548

Georgia Department of Revenue  
 Arcs Bankruptcy  
 1800 Century Blvd NE Ste 9100  
 Atlanta, GA 30345-3202

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)FirstBank

(u)LAKEVIEW LOAN SERVICING, LLC

(u)Santander Consumer USA, Inc., successor in

End of Label Matrix  
 Mailable recipients 37  
 Bypassed recipients 3  
 Total 40

United States Bankruptcy Court  
Northern District of GeorgiaIn re:  
Charles Pernell Cleary  
DebtorCase No. 19-41069-pwb  
Chapter 13**CERTIFICATE OF NOTICE**District/off: 113E-6  
Date Rcvd: Oct 31, 2023User: bncadmin  
Form ID: pdf443Page 1 of 3  
Total Noticed: 29

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 02, 2023:**

Recip ID	Recipient Name and Address
db	Charles Pernell Cleary, 539 Carbondale Rd SW, Dalton, GA 30721-5310
	+ Charles Pernell Cleary, 539 Carbondale Rd., Dalton, GA 30721-5310
	Michael D. Hurtt, Hurtt & Johnson, LLC, 215 W. Gordon Street, P.O. Box 1304, Dalton, GA 30722-1304
22425236	+ FirstBank, Attn: Trish Brasher, PO Box 388, Lexington, TN 38351-0388
22319772	Gateway Lending, 160 N Riverview Dr Ste 100, Anaheim, CA 92808-2293
22319777	Parnell & Parnell Attorneys at Law, PO Box 2189, Montgomery, AL 36102-2189

TOTAL: 6

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpregion21.at.ecf@usdoj.gov	Oct 31 2023 20:33:00	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
	+ Email/Text: ebn@atlch13tt.com	Oct 31 2023 20:33:00	Chapter 13 Trustee, 285 Peachtree Center Avenue, NE, Suite 1600, Atlanta, GA 30303-1229
cr	+ Email/Text: jaxbanko@td.com	Oct 31 2023 20:32:00	TD Auto Finance, LLC, 1715 Aaron Brenner Drive, Suite 800, Memphis, TN 38120-1445
22319766	^ MEBN	Oct 31 2023 20:27:29	Aldridge Pite, Haan, LLP, PO Box 52815, Atlanta, GA 30355-0815
22319767	Email/PDF: bncnotices@becket-lee.com	Oct 31 2023 20:41:30	American Express, PO Box 1270, Newark, NJ 07101-1270
22366375	Email/PDF: bncnotices@becket-lee.com	Oct 31 2023 20:41:17	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
22445849	+ Email/PDF: ebn_ais@aisinfo.com	Oct 31 2023 20:41:30	Capital One Bank (USA), N.A., by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City OK 73118-7901
22319769	Email/PDF: AIS.cocard.ebn@aisinfo.com	Oct 31 2023 20:30:10	Capital One Bank USA N.A, Attn: Bankruptcy Dept., PO Box 30285, Salt Lake City, UT 84130-0285
22319771	Email/PDF: Citi.BNC.Correspondence@citi.com	Oct 31 2023 20:41:30	Citibank, N.A., Attn: Bankruptcy Dept., PO Box 6000, Sioux Falls, SD 57117-6000
22319773	Email/Text: brnotices@dor.ga.gov	Oct 31 2023 20:33:00	Georgia Department of Revenue, Arcs Bankruptcy, 1800 Century Blvd NE Ste 9100, Atlanta, GA 30345-3202
22319774	Email/Text: sbse.cio.bnc.mail@irs.gov	Oct 31 2023 20:33:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
22319770	Email/PDF: ais.chase.ebn@aisinfo.com		

District/off: 113E-6

User: bncadmin

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Date Rcvd: Oct 31, 2023

Form ID: pdf443

Total Noticed: 29

		Oct 31 2023 20:41:24	Chase Card Services, PO Box 15548, Wilmington, DE 19886-5548
22368137	+ Email/Text: RASEBN@raslg.com		
		Oct 31 2023 20:32:00	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
22397821	Email/PDF: resurgentbknotifications@resurgent.com		
		Oct 31 2023 20:41:16	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
22319775	Email/Text: LC-Bankruptcy-RF@loancare.net		
		Oct 31 2023 20:33:00	Lakeview Loan Servicing, PO Box 8068, Virginia Beach, VA 23450-8068
22468476	+ Email/Text: LC-Bankruptcy-RF@loancare.net		
		Oct 31 2023 20:33:00	Lakeview Loan Servicing, LLC, c/o LoanCare, LLC, 3637 Sentara Way, Virginia Beach VA 23452-4262
22319776	^ MEBN		
		Oct 31 2023 20:28:22	MRS BPO, LLC, 1930 Olney Ave, Cherry Hill, NJ 08003-2016
22319778	Email/PDF: ais.sync.ebn@aisinfo.com		
		Oct 31 2023 20:41:19	Pay Pal Credit, Attn: Bankruptcy Dept., PO Box 5138, Timonium, MD 21094-5138
23013518	+ Email/Text: enotifications@santanderconsumerusa.com		
		Oct 31 2023 20:33:00	Santander Consumer USA, Inc., successor in interest to, Gateway One Lending & Finance, LLC, (Gateway), P.O. Box 961245, Fort Worth, TX 76161-0244
22319779	Email/Text: jaxbanko@td.com		
		Oct 31 2023 20:32:00	TD Auto Finance, PO Box 16035, Lewiston, ME 04243-9517
22351611	+ Email/Text: jaxbanko@td.com		
		Oct 31 2023 20:32:00	TD Auto Finance, LLC, C/o Robert J. Fehse, Esq., 1715 Aaron Brenner Drive, Suite 800, Memphis, TN 38120-1445
22324571	Email/Text: USAGAN.Bankruptcy@usdoj.gov		
		Oct 31 2023 20:33:00	United States Attorney, Northern District of Georgia, 75 Ted Turner Drive SW, Suite 600, Atlanta GA 30303-3309
22459752	+ Email/PDF: ebn_ais@aisinfo.com		
		Oct 31 2023 20:41:19	Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City OK 73118-7901

TOTAL: 23

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Santander Consumer USA, Inc., successor in interes
ust	*+	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
ust	*+	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
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ust	*+	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
ust	*+	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
ust	*+	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
ust	*+	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
ust	*+	Office of the United States Trustee, 362 Richard Russell Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3315
spc	##+	Thomas C Causby, Morris & Dean, LLC, 101 E. Crawford Street, #300, Dalton, GA 30720-3208
22319768	##+	Atlantic Capital, 3525 Piedmont Rd NE # 7, Atlanta, GA 30305-7031
22362589	##+	Gateway One Lending & Finance, LLC, 175 N Riverview Drive, Anaheim, CA 92808-1225

TOTAL: 1 Undeliverable, 15 Duplicate, 3 Out of date forwarding address

District/off: 113E-6  
Date Rcvd: Oct 31, 2023

User: bncadmin  
Form ID: pdf443

Page 3 of 3  
Total Noticed: 29

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 02, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 31, 2023 at the address(es) listed below:

Name	Email Address
Albert Clark Guthrie	on behalf of Trustee Mary Ida Townson courtdailysummary@atlch13tt.com
Cory Patrick Sims	on behalf of Creditor LAKEVIEW LOAN SERVICING LLC csims@alaw.net, anhsalaw@infoex.com
David G Mangum	on behalf of Creditor FirstBank davidmangum@davidmangum.com
Jeffrey W. Maddux	on behalf of Creditor FirstBank jmaddux@chamblisslaw.com lthreadgill@chamblisslaw.com;mculp@chamblisslaw.com;sbarham@chamblisslaw.com;ktaubert@chamblisslaw.com;tucker@chamblisslaw.com;gchambers@chamblisslaw.com;cgarrett@chamblisslaw.com
Justin Plean	on behalf of Creditor LAKEVIEW LOAN SERVICING LLC justin.plean@qpwbllaw.com
K. Edward Safir	info@atlch13tt.com
Michael D. Hurtt	on behalf of Debtor Charles Pernell Cleary hurttnotices@windstream.net;hurttcfnotices@gmail.com;21431@notices.nextchapterbk.com
Robert J. Fehse	on behalf of Creditor TD Auto Finance LLC rfehse@evanspetree.com, sbruce@evanspetree.com
Shannon Leigh Troutman	on behalf of Creditor LAKEVIEW LOAN SERVICING LLC bkga@albertellilaw.com;stroutman@alaw.net

TOTAL: 9